REMARKS

The Applicants' below-named representative would like to thank Examiner Dr. John R. Hardee for the helpful and courteous discussion of the issues in this application held on January 25, 2005. This discussion focused on the reduction of water solids filming provided by the rinse agent composition according to the present invention. As a result of this discussion, enclosed is a Declaration under 37 C.F.R. §1.132 demonstrating the reduced water solids filming on glasses when using propylene glycol or glycerine compared with a control and compared with the use of other components such as hexylene glycol, ethanol, isopropyl alcohol, 1,4-butanediol, 1,3-propanediol, and methanol. The significance of the data presented in the Declaration under 37 C.F.R. §1.132, as it relates to the prior art relied upon in the outstanding Office Action, is explained below.

The outstanding Office Action includes three prior art-based rejections. Claims 40, 41, 43, and 47-55 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,880,089 (*Lentsch et al.*). Claims 40, 41, 43, and 47-55 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,589,099 (*Baum*). Claims 40, 43, and 47-55 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,260,528 (*Fox et al.*). These three prior art-based rejections are traversed.

Lentsch et al. disclose a rinse agent composition for use on plastic articles. See *Lentsch et al.* at column 3, lines 26-47. The rinse agent composition can include a siloxane surfactant, a polyether prepared from ethylene oxide and propylene oxide, and a hydrotrope. See *Lentsch et al.* at column 3, line 48 through column 6, line 48.

Lentsch et al. are not directed at a composition comprising a sheeting agent and a humectant that addresses the issue of water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids according to the present invention. The rinse agent composition according to the present invention provides a sheeting agent comprising a nonionic block copolymer surfactant and a humectant comprising glycerine or propylene glycol, wherein the ratio of the total amount of humectant to the total amount of sheeting agent is greater than 1:2 (claim 40). Clearly, the presently claimed rinse agent composition is neither disclosed nor suggested by *Lentsch et al.*

The outstanding Office Action contends that *Lentsch et al.* disclose the use of glycerine and propylene glycol. It is pointed out that *Lentsch et al.* disclose several "exemplary non-limiting solvents in addition to water" at page 10, lines 12-22. The list presented by *Lentsch et al.* includes ethanol, 1,3-propanediol, and isopropanol. The Declaration by Yvonne M. Killeen, enclosed with this amendment, demonstrates that glasses rinsed in high solids containing rinse water containing a rinse agent composition that includes 1,3-propanediol, ethanol, or isopropanol exhibit an undesirable level of water solids filming compared with glasses rinsed in a high solids containing rinse water containing a rinse agent composition that includes glycerine or propylene glycol. Clearly, the Declaration by Yvonne M. Killeen demonstrates that one having ordinary skill in the art would not appreciate the difference between the "exemplary non-limiting solvents in addition to water" disclosed by *Lentsch et al.* at column 10, lines 12-22, for the purpose of selecting a component for a rinse agent composition that reduces water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids according to the present invention.

Baum discloses a rinse agent composition containing polyoxyethylene-polyoxypropylene block copolymers. See *Baum* at column 3, lines 49-65. *Baum* identifies a list of solvents that can be used with water at column 6, lines 31-42. Glycerine and propylene glycol are two of the listed "solvents." See *Baum* at column 6, line 41. There is no disclosure or suggestion by *Baum* that any of these "solvents" can be provided in a composition at a weight ratio of "solvent" to sheeting agent of greater than 1:2 to provide reduced water solids filming. There is no disclosure by *Baum* that would lead one skilled in the art to select an amount of humectant to sheeting agent according to the present invention.

It is pointed out that the Declaration by Yvonne M. Killeen demonstrates that many of the "exemplary non-limiting solvents in addition to water" disclosed by *Baum* at column 6, lines 31-42, when used in a rinse agent composition, fail to provide a desired level of reduction of water solids filming. Accordingly, one having ordinary skill in the art would not have received a suggestion from *Baum* to utilize glycerine or propylene glycol in a rinse agent composition to reduce water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids according to the present invention.

Fox et al. disclose an automatic dishwasher detergent containing a number of components such as a surfactant, a builder, an alkalinity agent, a thickener, a polyhydric alcohol, urea, and water. See *Fox et al.* at column 2, line 67 through column 3, line 11. Accordingly, *Fox et al.* is directed at a composition that provides for cleaning in an automatic dishwasher and is not directed at providing a rinse agent composition. No reason has been provided in the outstanding Office Action to explain why one having ordinary skill in the art would expect the dishwasher detergent composition disclosed by *Fox et al.* to achieve the reduced water solids filming properties provided by the presently claimed invention. In fact, it is believed that the components in the dishwasher detergent composition disclosed by *Fox et al.*, such as the thickener, would have a deleterious effect on the reduction of water solids filming.

It is recognized that *Fox et al.* disclose several polyhydric alcohols to "cure the flow defects and prevent phase separation upon standing." See *Fox et al.* at column 4, line 56 through column 5, line 4. It is submitted that *Fox et al.* provide no suggestion that glycerine or propylene glycol could be used in a rinse agent composition to reduce water solids filming in rinse water containing in excess of 200 ppm total dissolved solids according to the present invention.

In view of the above comments, the claimed invention would not have been obvious from *Lentsch et al.*, *Baum*, and *Fox et al.* Accordingly, withdrawal of the three prior art-based rejections is requested.

Claims 40, 43, and 47-52 stand rejected under the doctrine of obviousness-type double patenting over claim 8 of U.S. Patent No. 6,673,760. This rejection is traversed.

It is pointed out that there are many differences between claims 40, 43, and 47-52 of the above-identified patent application and claim 8 of U.S. Patent No. 6,673,760. In view of these differences, the Examiner is requested to reconsider whether a rejection under the doctrine of obviousness-type double patenting is appropriate. It is pointed out that independent claims 40 and 47 are amended.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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